

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHLOË, S.A.S., J.CHOO LIMITED

07 CIV 6491 (WHP)

Plaintiff,

ANSWER

-against-

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, DANIEL DOE, GODDESS TRADING d/b/a
GODDESS TRADING@HOTMAIL.COM,
LUXUNG GOODS, LUXURY GOODS, TERRY
DOE d/b/a AZNTERRY911@HOTMAIL.COM, JASON
DOE d/b/a JARRY326@YAHOO.COM.CN,
FASHION HANDBAGS, BENNY DOE,
JEANCARLO DOE, JOSEPH a/k/a JOSE DOE,
SISI a/k/a CECI DOE, TOP LUXURY HANDBAGS d/b/a
LUXURYHANDBAGS277@YAHOO.COM, FRANCISCO DOE,
BEN DOE, CARLOS DOE, INSTYLE LUXURY HANDBAGS,
CORINA DOE a/k/a QIMIAO HU a/k/a YE GUO a/k/a
GUO Q YE, NEWCOME TRADING d/b/a
TOSCA, QUICK GLOBAL SHIPPING, HOWARD SHIPPING
EXPRESS, RANDY DOE, and various JOHN and JANDE DOES
1-10 and XYZ COMPANIES
(UNIDENTIFIED)

Defendants.

-----X

Defendants, KEN CHEN, GODDESS TRADING, DANIEL DOE
AND CHEN X. JIANG by their attorney Morton S. Minsley, Esq., in
answer to the amended complaint of Plaintiffs herein, respectfully state and
allege, as follows:

PARTIES

1. Deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 1- 2, 6– 8, 9- 29, 31- 61.

2. Deny paragraph 3, except admits that Defendant Ken Chen resides at 28 Forsyth Street, Apartment 13, New York, NY 10013, and has transacted business in the State of New York, and has leased space at 277 Canal Street, New York, NY 10013.

3. Deny paragraph 4, except admit that Daniel Doe works for Goddess Trading at 277 Canal Street.

4. Deny paragraph 5, except admit that Defendant Goddess Trading transacts business in the State of New York only, and has transacted business at 277 Canal Street, New York, New York.

5. Deny paragraph 30, except admit that Defendant Chen X. Jiang resides at 415 Acorn Road, Mount Laurel, New Jersey 08054.

JURISDICTION AND VENUE

6. Admit the allegations of Paragraphs 62 – 65.

CHLOE'S TRADEMARKS

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 66-67.

JIMMY CHOO'S TRADEMARKS

8. Defendants deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 78 - 79.

DEFENDANTS' CONDUCT

9. Defendants deny the allegations contained in paragraphs 90 – 97.

COUNT ONE: FEDERAL TRADEMARK COUNTERFEITING

10. Defendants deny the allegations contained in paragraphs 98 – 102.

COUNT TWO: UNFAIR COMPETITION

11. Defendants deny the allegations contained in paragraphs 103 - 108.

COUNT THREE: FEDERAL TRADEMARK DILUTION

12. Defendants deny the allegations contained in paragraphs 109 - 114.

COUNT FOUR: COMMON LAW TRADEMARK

COUNTERFEITING

13. Defendants deny the allegations contained in paragraphs 115 – 120

COUNT FIVE: COMMON LAW UNFAIR COMPETITION

14. Defendants deny the allegations contained in paragraphs 121 -
126.

COUNT SIX: NEW YORK TRADEMARK DILUTION

15. Defendants deny the allegations contained in paragraphs 127 -
129.

**COUNT SEVEN: UNLAWFUL DECEPTIVE ACTS AND
PRACTICES**

16. Defendants deny the allegations contained in paragraphs 130 -
134.

FIRST AFFIRMATIVE DEFENSE

17. Plaintiffs' marks are not distinctive.

SECOND AFFIRMATIVE DEFENSE

18. Plaintiffs have not defended or protected the marks in question.

THIRD AFFIRMATIVE DEFENSE

19. Plaintiffs' claims are barred by the doctrine of fair use, estoppel, waiver, laches and/or acquiescence.

FOURTH AFFIRMATIVE DEFENSE

20. All applicable defenses asserted by other defendants in this action are adopted or incorporated by reference as if fully set forth herein.

Dated: New York, New York
September 7, 2007

Morton S. Minsley, ESQ. (MSM-7478)
Attorney for the Defendants-Ken Chen,
Goddess Trading, Daniel Doe and Chen X. Jiang
101 Lafayette Street, 10th Floor
New York, NY 10013
Phone:(212) 346-0849
Fax: (212) 766-9798

by: _____
Morton S. Minsley (MSM-7478)

DECLARATION OF SERVICE UPON ATTORNEY BY ECF AND MAIL
– FEDERAL COURT

I, Morton S. Minsley, declare, pursuant to 28 U.S.C. § 1746, under the penalty of perjury that on September 7, 2007, I served the annexed answer to the following attorneys, at the following addresses, both by ECF and by regular, first class mail, by depositing a copy of the same, enclosed in a first class, postpaid envelope, in an official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, and directed to the said attorney at the address designated by said attorney for that purpose.

Harley I. Lewin, ESQ.
Attorney for Plaintiffs
GREENBERG TRAURIG,LLP
200 Park Avenue, MetLife Building
New York, NY 10166
Phone: (212) 801-9200

DATED: New York, New York
September 7, 2007

MORTON S. Minsley, ESQ.
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MORTON S. MINSLEY, ESQ.

Attorney for Defendants- KEN CHEN,
GODDESS TRADING, DANIEL DOE AND
CHEN X. JIANG

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